

## Remarks

The applicant would like to thank Examiner Bayerl for the Examiner Interview with the applicant and his representative on February 27, 2003 concerning the office action of November 8, 2002 written by Examiner Hailu.

Claims 2-6,8-10,13,15,25-30,42-44,34,36-38 are rejected under 35 U.S.C § 112, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors at the time the application was filed, had possession of the claimed invention. The Examiner asserts that neither "third party web site", "embedding in the web site" and "the media object identifier embedded within a third party web site" is disclosed. The applicants respectfully traverses this rejection.

Contrary to the Examiner's assertion, we did, at the time the application was filed, describe and disclose in great detail the "third party web site", "embedding in the web site" and "the media object identifier embedded within a third party web site". Our patent application includes pages of such description in the Detailed Description of the Preferred Embodiments section (beginning on page 8, line 18 and continuing to page 11, line 3), as well as sample integration code in the form of Appendix A to further detail the technical teachings to one skilled in the relevant art. Additionally, Figures 1 and 2 of the present application are screen shots showing an embodiment of our invention embedded into third party web sites.

Page 8, line 19 to page 11, line 3 of the present invention's application describes an exemplary embodiment using "prepare and post" tools, such as a media object identifier. In this example, the "prepare and post tools" are integrated into customer web sites (page 8, lines 18-22). A customer web site is clearly a type of a third party web site. To include a media object identifier on a customer web page, the customer can cut and paste code snippets for these sections into a web page (page 8, lines 27-29).

Page 9 lines 1-29 describe configuration information for submissions using the code of Appendix A. Page 9, line 30 to page 10, line 5 describe controlling the width and height of the graphical interface of an embedded media object identifier of one embodiment. Page 10, lines 6-15 describe code for embedded submission buttons for third party web sites of one embodiment. Page 10, lines 16-19 describe image upload control code of one embodiment.

The sample code of Appendix A includes comments that extensively explain how to insert the code into a third party web site. These comments indicate that cutting and pasting the code of Appendix A into code for a third party web site will embed a media object identifier onto the web site.

Claims 25-30, 31-35, 42-47 are rejected under 35 U.S.C. §101 for being non-statutory subject matter. Replacement independent claims 48 and 49 and their dependent claims are now statutorily allowed "computer readable medium" claims.

Claims 2, 5, 6, 8-10, 13, 15, 17, 20-47 are rejected under 35 U.S.C. §102(e) as being anticipated by US patent 6,035,323 to Narayen. Claims 3,4,18, and 19 are rejected under 35 U.S.C. §103(a) as being unpatentable over US patent 6,035,323 to Narayen further in view of admitted prior art. The applicant respectfully traverses these rejections.

The examiner states that the claimed media object identifier is equivalent to the media container discussed by Narayen in column 7, lines 49-col 8, lines 6, col 9, lines 21-64. Narayen describes a picture album or another type of media container using a media authoring program. A "media object identifier" as claimed is entirely different than a Narayen 'media container' such as a picture album. A Narayen media container is the equivalent of a digital photo album- a packaged presentation for viewers to interact with. A 'media container,' as defined by Narayen is also similar in concept to a PowerPoint presentation- a packaged up document or set of documents designed to present information to an audience, in this case a group of photos and text output into HTML format.

A media object identifier as claimed can be considered to be the digital equivalent of a FedEx drop box, or a USPS public mailbox. They are collection devices that can be set anywhere that is convenient- in an office, a store, or on a street corner, providing a convenient, standardized drop-off point for packages that need to be efficiently shipped from point A to point B. A mailbox is not a presentation medium. It is an inconspicuous entry point into a distribution network comprised of trucks, planes, and warehouses. Likewise, the claimed media object identifier can be considered to be a standardized drop box on web pages across the Internet, which in one embodiment feeds media objects into a distribution network comprised of servers, routers, and data storage warehouses.

The claims contain language that clearly distinguish "media object identifiers" from "media containers" of Narayen. In claims 15 and 48, the media object identifier at a web page includes a graphical user interface for acquiring media objects; the media objects being automatically pre-processed for the requirements of the third-party web site. In claims 16 and 49, the media object identifier at a web page includes a graphical user interface for acquiring media objects; the media objects automatically pre-processing the media object for the requirements of a web site, the pre-processing including checking a file size of the media object and if the file size of the media object is larger than a predetermined maximum file size reducing the file size of the media object. These limitations indicate that "media object identifiers" as claimed are not merely "media containers".

The examiner points to column 8 line 60 to column 9 line 64 of Narayen as indicating that Narayen pre-processes the media object. None of the preprocessing described in Narayen is done in response to the acquisition of the media object without additional user input as claimed in independent claims 15, 16, 48, and 49. The modifications of the picture album described in Narayen is done in response to user input arranging the picture album.

With respect to claims 15 and 48, the examiner incorrectly states that on Col 16, lines 15-30 of Narayen the word 'client' refers to integration in third party web sites. Narayen's use of the word 'client' here

is clearly referring to HTML page creation software running on a local PC (client) as opposed to running on a server. The way Narayen uses the term "client" in lines 15-30 is interchangeable with the term "local computer", as opposed to a remote server. Narayen's use of the word "client" does not imply embedding, or integrating as an integral component of a business partner's web site. Narayen says nothing about integration into third party web pages. It is merely stating that the local software application can be used to build a collection of HTML pages and associated files, and FTP the collection of files to their ISP's server, to which they have been granted access. This is the same thing that any number of HTML publishing applications do today including Microsoft FrontPage. This is wholly different than the claimed media object identifiers which can be considered to be a digital equivalent of shipper drop-boxes embedded in businesses across the Internet.

The examiner references Col 7, lines 49-col 8, line 6 of Narayen again, speaking of publishing media containers, which, as has been noted above is neither the intention, nor function of the media object identifiers. Media object identifiers are not containers for media to be published and presented in, but rather "drop boxes" for media needing to be transformed and transported.

For the above discussed reasons, independent Claims 15, 16, 48 and 49 are believed to be allowable. Claims 2-10, 13, 17-24, 26-30, 32-47 are dependent on independent claims 15, 16, 48 and 49. For that reason, and because of the additional limitations of these claims, these claims are believed to be allowable.

In particular, the examiner reject claims 23 and 34 based the interpretation of Narayen col 16, lines 15-30 as reading that" the client software program (media authoring program) which includes the media container is integrating in the client web site. Upon review, it is clear that this not the case. Narayen is not integrating the client-based (local PC) media authoring program into the client web site. Narayen is using a local media authoring program to create media containers and using standard FTP to transfer those files to the server maintained by the user's ISP. There is no integration with third party web sites. There is only transfer of files to an ISP's server space to which the user has been granted 'write privileges.'

Regarding claims 37, 40, 43 and 46, the examiner again confuses the term client (meaning local PC) with the term "third party web site." No "integration or configuration" is mentioned in the noted sections of Narayen (col 16, lines 15-30). Lines 15-30 only state that the client (local) software program can generate HTML pages and then FTP these files to a server hosted by the user's ISP.

New claims 48-85 have been added. These new claims as added are supported by the specification of the present invention as filed. For example, the specification on page 8, line 18 to page 11, line 3, appendix A, and Figure 1 provides support for independent claims 50, 66 and 82.

Claim 50 covers acquiring a media object with a web page displayed at a local computer, preprocessing a media object at local computer without user selection of preprocessing and uploading the pre-processed media object from the local computer to a remote server. Claim 66 covers a computer readable media containing a program with limitations like that of claim 50.

The limitations of claims 50 and 66 are not disclosed, suggested or given a motivation for in any of the cited references. None of the cited reference describe acquiring a media object with a web page displayed at a local computer. For example, Narayen describes using a software program not associated with a web page at local computer to produce web pages with digital images. Claims 50 and 66 further describe pre-processing media object at a local computer without user selection of the preprocessing. Such preprocessing without user selection is valuable in some cases to reduce file size of the media object to prepare it for up loading to a remote server. For the above reasons, claim 50 is believed to be allowable.

Claims 51-65 are dependent upon claim 50 and Claims 67-81 are dependent on Claim 66. For this reason and for the additional limitations of these claims, these claims are believed to be allowable.

Claim 82 describes a computer readable media containing code for a web page. The web page comprising a code for obtaining a media object identifier to acquire a media object, the web page including which are passed to the media object identifier to control its operation. Such a system is not disclosed,

suggested or given a motivation for in any of the cited prior art. For this reason claim 82 is believed to be allowable. Claim 83 is dependent upon claim 82 and for this reason is believed to be allowable.


In light of the above, it is respectfully submitted that all of the claims now pending in the subject patent application should be allowable, and a Notice of Allowance is requested. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of a patent.

Enclosed with this amendment is a PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. § 1.136 for extending the time to respond up to and including today.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: 3/6/03

By:   
Joseph P. O'Malley  
Reg. No. 36,226

FLIESLER DUBB MEYER & LOVEJOY LLP  
Four Embarcadero Center, Fourth Floor  
San Francisco, California 94111-4156  
Telephone: (415) 362-3800